



4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0003]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 62 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>. Insert the docket number, FMCSA-2019-0003, in the keyword box, and click “Search.” Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the

ground floor of the DOT West Building, 1200 New Jersey Avenue, SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Background

FMCSA received applications from 62 individuals who requested an exemption from the vision standard in the FMCSRs. FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(10). Therefore, the 62 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following three applicants did not have sufficient driving experience over the past three years under normal highway operating conditions:

Colin H. Goss (KY); Samuel R. Jennings (WA); and Michael A. Tomsha (IA)

The following 29 applicants had no experience operating a CMV:

Michael J. Baragona (NY)	Daniel E. Barnes (FL)
David R. Baskin (PA)	Victor D. Calderon (FL)
Onesimus C. Callaway (WA)	Daryl K. Chavis (MO)
Kevin F. Christof (TX)	William T. Comer (OH)
Kevin E. Curry (TX)	Patrick M. Cynar (IL)
Wondimu L. Fantawu (OH)	Phillip T. Ferraro (NJ)
Juan A. Flores (TX)	Gregory B. Gosha (AL)

Raymond W. Gudenau (MI)	Lucian D. Jackson (OH)
Anthony Jenkins (AL)	Eric C. Johnson (PA)
Candice Lambert (IL)	Dakota P. Mayberry (IL)
Ryan K. McConnell (SC)	Cameron A. Mote (TX)
Edwin J. Orellana (NJ)	Javier A. Outeiro (UT)
Ryan T. Roberts (MN)	Robert Singley (NY)
Matthew A. Spaits (CO)	Joshua B. Wells (KY)
Matthew Zappi (PA)	

The following four applicants did not have three years of experience driving a CMV on public highways with their vision deficiencies:

Dale R. Bratcher (NM)	Robert A. Maston (GA)
Thomas W. Rush (TN)	Lance L. Russell (NY)

The following 16 applicants did not have three years of recent experience driving a CMV on public highways with their vision deficiencies:

Ronald D. Averill (CO)	Mihail Bendos (WA)
Jeffrey W. Blackmon (TX)	Waynetta J. Evans (FL)
James L. Fourcher (UT)	William C. Kelley (WI)
Earl D. Lilley (TX)	Alan M. Mahler (IN)
Scott M. McDonnell (MI)	Ricky Moore (LA)
Anthony J. Mumphrey (IA)	William L. Peterson (NE)
Gregory D. Shirah (AL)	Shannon R. Smit (AZ)
Steve Trought (FL)	Joshua D. Wilcox (MD)

The following applicant, William T. Satterley (KY), did not have sufficient driving experience over the past three years under normal highway operating conditions (gaps in driving record).

The following seven applicants were denied for multiple reasons:

Megin Berlin (NE)	Curtis V. Boys (IL)
Howard L. Jenkins (VA)	Joan C. Landis (FL)
Carlos Smith (LA)	Thomas L. Stollings (IN)
Michael R. Wilder (CO)	

The following two applicants have not had stable vision for the preceding three-year period:

Earl W. Gibson (MO); and Donald E. Ratliff (KY)

Issued on: January 30, 2019.

Larry W. Minor,
Associate Administrator for Policy.

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